

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Wireless Emergency Alerts)	PS Docket No. 15-91
)	
Amendments to Part 11 of the)	PS Docket No. 15-94
Commission's Rules)	
Regarding the Emergency Alert System)	

**COMMENTS OF THE PUBLIC BROADCASTING SERVICE,
AMERICA'S PUBLIC TELEVISION STATIONS, AND
THE CORPORATION FOR PUBLIC BROADCASTING**

The Public Broadcasting Service ("PBS"),¹ America's Public Television Stations ("APTS"),² and the Corporation for Public Broadcasting ("CPB")³ (collectively, "PTV") submit these comments to reiterate PTV's commitment to providing a secure and effective back-up mechanism for the transmission of Wireless Emergency Alerts ("WEA"), and to urge the Commission to ensure that the federal funding required by the Warning, Alert and Response

¹ PBS, with its 349 member stations, offers all Americans the opportunity to explore new ideas and new worlds through television and online content. Each month, PBS reaches nearly 109 million people through television and over 28 million people online, inviting them to experience the worlds of science, history, nature and public affairs, to hear diverse viewpoints, and to take front row seats to world-class drama and performances.

² APTS is a non-profit organization whose membership comprises the licensees of nearly all of the nation's CPB-qualified noncommercial educational television stations. The APTS mission is to support the continued growth and development of a strong and financially sound noncommercial television service for the American public.

³ CPB is a private, non-profit corporation created and authorized by the Public Broadcasting Act of 1967 to facilitate and promote a national system of public telecommunications. Pursuant to its authority, CPB has provided millions of dollars in grant monies for support and development of public broadcasting stations and programming.

Network (“WARN”) Act⁴ remains available to cover any reasonable costs that PBS and PTV stations incur to accommodate further changes to the specifications for WEA messages.⁵

Section 602(c) of the WARN Act, and the Commission’s rules implementing the WARN Act, require PTV stations and other noncommercial educational broadcast television stations to “install necessary equipment and technologies” as part of their transmission systems⁶ so that these stations are able to receive “WEA alerts from the Alert Gateway over an alternate, secure interface and then to transmit such WEA alerts to CMS Provider Gateways of Participating [Commercial Mobile Service (“CMS”)] Providers.”⁷ Based on conversations that PBS has had with the Federal Emergency Management Agency (“FEMA”), PBS’s back-up WARN system – upon which PTV stations rely to satisfy their WARN Act obligations – will need to accommodate all of the same capabilities as Participating CMS Providers with respect to the processing and transmission of WEA messages. Consequently, unless PBS and PTV stations update their equipment and software to align with any additional changes that Participating CMS Providers will need to make as a result of the *FNPRM* (or the capabilities adopted in the *Order*), PTV stations will not be able to receive WEA messages. Such a result could be disastrous. As the CSRIC V *WEA Security Final Report* recognized, the PBS WARN system is a critical component of the nation’s public safety infrastructure because it “is a safeguard to ensure

⁴ See WARN Act, Pub. L. 109-347, Title VI, § 606(b).

⁵ See *In the Matter of Improving Wireless Emergency Alerts and Community-Initiated Alerting*, Report and Order and Further Notice of Proposed Rulemaking, FCC 16-127, PS Docket Nos. 15-91 & 15-94 (rel. Sept. 29, 2016) (“*Order & FNPRM*”).

⁶ See WARN Act, § 602(c).

⁷ 47 C.F.R. § 10.340.

delivery of the WEA, even in the event that a cybersecurity or other event disrupts the primary WEA delivery path.”⁸

Accordingly, in considering whether to alter the format or capabilities of WEA messages — including whether to change how different types of WEA messages are prioritized⁹ or whether to require support for multimedia content in WEA messages¹⁰ — the Commission should take into consideration the extensive software and possible hardware changes to PBS and PTV stations’ equipment that could be needed to implement these capabilities, as well as the funding necessary to make such changes.

Such funding concerns are important because, as explained in PTV’s comments on January 13, 2016, PTV stations depend on funding from the U.S. Department of Commerce to cover the costs of updating their equipment or software to implement new capabilities required by the Commission with respect to the processing and transmission of WEA messages.¹¹ Specifically, Section 606(b) of the Act provides that “[t]he Assistant Secretary of Commerce for Communications and Information shall compensate any such broadcast station licensee or permittee for reasonable costs incurred in complying with the requirements imposed pursuant to section 602(c)” of the WARN Act.¹² This statutorily-prescribed reimbursement is appropriate given that participation by public broadcast television stations is *mandatory*, whereas participation by commercial mobile service providers is *voluntary*.

⁸ CSRIC V, Working Group 2, *WEA Security Final Report*, at 26 (2016) (“*CSRIC V WEA Security Report*”).

⁹ *See Order & FNPRM* at ¶ 120.

¹⁰ *See id.* at ¶ 126.

¹¹ *See Comments of PTV*, PS Docket No. 15-91, at 3–5 (Jan. 13, 2016).

¹² WARN Act, § 606(b).

The Commerce Department’s National Telecommunications and Information Administration (“NTIA”) previously awarded PBS a grant to cover the cost of implementing the Commission’s WARN Act requirements. PTV believes that the remaining funding under PBS’s existing grant likely should be sufficient to cover the cost of implementing the WEA changes adopted in the *Order & FNPRM*, so long as the funding remains available to PBS at least for the duration of the 30-month period the Commission established for implementing those changes.¹³ To the extent any additional capabilities are required in connection with the *FNPRM*, sufficient funding also would need to remain available during any corresponding implementation period. Importantly, PTV expects that updating the PBS WARN system will require the full implementation period, even if the Commission adopts no further changes, based on discussions between PBS and FEMA following the release of the *Order & FNPRM* and given that any changes to the PBS WARN system must align with Participating CMS Providers’ system design changes. PBS and PTV stations cannot make any changes to its equipment or software until the Participating CMS Providers develop, finalize, and publish these system design changes.

To ensure that PBS and PTV stations can continue to provide a secure and effective back-up mechanism for the transmission of WEA messages, PTV specifically encourages the Commission to coordinate with NTIA to ensure that the necessary funding remains available to PBS throughout the implementation period, and that – consistent with the WARN Act – PBS and PTV stations have access to whatever additional funds are needed for the WARN system to comply with any further changes the Commission decides to adopt. PTV looks forward to

¹³ See *Order & FNPRM* at ¶ 85. Note that the grant is currently scheduled to expire on May 31, 2017 and, therefore, will need to be extended to allow for alignment of the PBS WARN system with the adopted and further proposed changes to WEA messages. PBS has requested an extension from NTIA, and PTV urges the FCC to coordinate with NTIA on that extension request.

continuing to work with the FCC, NTIA, and FEMA to provide a secure and effective back-up mechanism for the transmission of robust WEA messages.

Respectfully submitted,

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